

### REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed October 18, 2005. In the Office Action, the Examiner notes that claims 1-13 are pending and rejected. By this response, claims 1, 12, and 13 are amended. No new matter has been entered.

In view of both the amendments presented above and the following discussion, Applicants submit that none of the claims now pending in the application are non-enabling or obvious under the respective provisions of 35 U.S.C. §112 and §103. Thus, Applicants believe that all of the pending claims are now in allowable form.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

### REJECTIONS

#### 35 U.S.C. §112

The Examiner has rejected claim 1 under 35 U.S.C. §112, ¶1, "because the specification ... does not reasonably provide enablement for the actual removal of the delimiting step separating the list of addresses the message is to be sent to ...."

Applicants respectfully note that the rejected limitation in no way states anything regarding removal of a delimiting step separating a list of addresses and the start of the message. Furthermore, the Applicants in no way indicate that the removal of a round trip is associated with Example 1 of RFC 821. Rather, Applicants limitation merely states that the number of protocol round trips between the transmitter and receiver is reduced. Furthermore, Applicants respectfully maintain that there is adequate support for this limitation in Applicants' specification. Since Applicants have herein amended claim 1 to remove the limitation rejected by the Examiner under 35 U.S.C. §112, ¶1, Applicants respectfully request that the rejection be withdrawn.

**35 U.S.C. §103****Claim 1**

The Examiner rejected claim 1 under 35 U.S.C. §103(a) as being unpatentable over Kronz (U.S. 6,675,196, hereinafter "Kronz") in view of Crocker (RFC 822, hereinafter "Crocker") and Elgamal et al. (U.S. 5,657,390, hereinafter "Elgamal"). The rejection is respectfully traversed.

In general, Kronz discloses a method and apparatus for enabling any variety of devices to communicate with each other over a common protocol. Specifically, Kronz discloses a protocol by which one device (a client device) can discover the services offered by another device (a server device), and transmission of various service-commands from the client device to the server devices, where the service-commands identify particular services to be performed by the server devices. (Kronz, Abstract).

Kronz, however, does not teach each and every element of Applicants' invention as recited in independent claim 1. Namely, Kronz does not teach or suggest at least the limitation of "wherein the envelope comprises message information associated with a message scheduled to be transmitted from the transmitter to the receiver, wherein the message information includes at least one scheduled message recipient," as taught in Applicants' invention of at least claim 1. In fact, in the Office Action, the Examiner admits that Kronz is devoid of any teaching or suggestion of an envelope as taught in Applicants' invention of at least claim 1. Specifically, the Examiner states that "Kronz does not explicitly disclose the step of the transmitter replying the receiver with an envelope." (Office Action, Pg. 4).

As such, the Examiner relies on Crocker for teaching the envelope. Furthermore, the Examiner relies on Elgamal for teaching a limitation of claim 1 removed by amendment herein. The Crocker and Elgamal references, however, alone or in combination, fail to bridge the substantial gap between the Kronz reference and Applicants' invention of at least claim 1.

In general, Crocker discloses a syntax for text messages that are sent among computer users, within the framework of "electronic mail". In particular, Crocker teaches that each text message has an envelope and associated contents. The envelope

contains whatever information is needed to accomplish transmission and delivery of the contents. The contents include the information to be delivered to the recipient. As such, the envelope taught in Crocker is merely a header associated with a text message currently being transmitted.

By contrast, the envelope of Applicants' invention of at least claim 1 is a separate message (or plurality of messages or message/frame fragments) sent from a transmitter to a receiver. The envelope of Applicants' invention of at least claim 1 includes message information associated with a message scheduled to be transmitted from the transmitter to the receiver. In other words, as taught in Applicants' invention of at least claim 1, prior to sending a message scheduled to be delivered from the transmitter to the receiver, the transmitter sends a separate envelope message including information about the message that will follow. A message including an envelope portion (i.e., message header) and a content portion (i.e., message body), where the envelope portion of the message includes information used for delivering the content portion of the same message (i.e., the message in which the envelope is contained), as taught in Crocker, is simply not a separate envelope message including information for delivering a different message currently scheduled to be transmitted (but which has not yet begun transmission from the transmitter to the receiver). As such, Crocker is completely devoid of any teaching or suggestion of an envelope as taught in Applicants' invention of at least claim 1.

Furthermore, Crocker is completely devoid of any teaching or suggestion of at least the limitation of "wherein the envelope comprises message information associated with a message scheduled to be transmitted from the transmitter to the receiver, wherein the message information includes at least one scheduled message recipient," as taught in Applicants' invention of at least claim 1. Moreover, since Crocker fails to teach or suggest the envelope of Applicants' invention of at least claim 1, Crocker must also fail to teach or suggest the envelope status of Applicants' invention of at least claim 1. Crocker is completely devoid of any teaching or suggestion of the limitation of "an envelope status comprising a recipient status associated with each of the at least one scheduled message recipient," as taught in Applicants' invention of at least claim 1.

Moreover, Elgamal fails to bridge the substantial gap between Kronz and Crocker and Applicants' invention of at least claim 1. In general, Elgamal teaches means for encrypting and decrypting information transferred over a network between a client application program running in a client computer and a server application program running in a server computer. (Elgamal, Abstract). Elgamal, however, is completely devoid of any teaching or suggest of an envelope as taught in Applicants' invention of at least claim 1, much less an envelope including message information associated with a message scheduled to be transmitted from the transmitter to the receiver, as taught in Applicants' invention of at least claim 1. Similarly, Elgamal also fails to teach or suggest an envelope status, as taught in Applicants' invention of at least claim 1.

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather the test is whether the claimed invention, considered as a whole, would have been obvious. Jones v. Hardy, 110 USPQ 1021, 1024 (Fed. Cir. 1984) (emphasis added). Moreover, the invention as a whole is not restricted to the specific subject matter claimed, but also embraces its properties and the problem it solves. In re Wright, 6 USPQ 2d 1959, 1961 (Fed. Cir. 1988) (emphasis added). The Kronz, Crocker, and Elgamal references, alone or in combination, fail to teach or suggest Applicants' invention as a whole.

Therefore, Applicants submit that independent claim 1 is not obvious in view of Kronz, Crocker and Elgamal alone, or in any permissible combination, and as such, fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Therefore, Applicants respectfully request that the rejection be withdrawn.

## **Claim 2**

The Examiner has rejected claim 2 under 35 U.S.C. §103(a) as being unpatentable over Kronz, Crocker and Elgamal as applied to claim 1, in view of Skeen et al. (U.S. 5,257,369, hereinafter "Skeen") and Holmes et al. (U.S. 6,134,432, hereinafter "Holmes"). The rejection is respectfully traversed.

Claim 2 depends from claim 1 and recites additional features therefor. As discussed above, the combination of Kronz, Crocker, and Elgamal does not teach or suggest at least the limitations of "wherein the envelope comprises message

information associated with a message scheduled to be transmitted from the transmitter to the receiver, wherein the message information includes at least one scheduled message recipient" and "an envelope status comprising a recipient status associated with each of the at least one scheduled message recipient," as taught in Applicants' invention of at least claim 1.

In addition, Skeen generally teaches a method and apparatus for providing decoupling of data exchange details for providing high performance communication between software processes. Skeen is completely devoid of any teaching or suggestion of an envelope or associated envelope status as taught in Applicants' invention of at least claim 1. Furthermore, Holmes generally teaches a multiplexing messaging gateway for wireless devices or any other suitable protocols. Holmes is completely devoid of any teaching or suggestion of an envelope or associated envelope status as taught in Applicants' invention of at least claim 1.

Nowhere in the cited references, either singly or in combination, is there any teaching or suggestion of "wherein the envelope comprises message information associated with a message scheduled to be transmitted from the transmitter to the receiver, wherein the message information includes at least one scheduled message recipient" and "an envelope status comprising a recipient status associated with each of the at least one scheduled message recipient," as taught in Applicants' invention of at least claim 1. As such, Kronz, Crocker, Elgamal, Skeen, and Holmes fail to teach or suggest Applicants' invention of at least claim 1, as a whole.

As such, Applicants submit that independent claim 1 is not obvious over Kronz, Crocker, and Elgamal in view of Skeen in further view of Holmes, and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Furthermore, since claim 2 depends from independent claim 1, claim 2 is not obvious over Kronz, Crocker, and Elgamal in view of Skeen in further view of Holmes and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Therefore, Applicants respectfully request that the rejection be withdrawn.

### **Claim 3**

The Examiner has rejected claim 3 under 35 U.S.C. §103(a) as being unpatentable over Kronz, Crocker and Elgamal as applied to claim 1. The rejection is respectfully traversed.

Claim 3 depends directly from independent claim 1, and recites additional features therefor. As discussed above, the combination of Kronz, Crocker, and Elgamal does not teach or suggest at least the limitations of "wherein the envelope comprises message information associated with a message scheduled to be transmitted from the transmitter to the receiver, wherein the message information includes at least one scheduled message recipient" and "an envelope status comprising a recipient status associated with each of the at least one scheduled message recipient," as taught in Applicants' invention of at least claim 1. As such, the combination of Kronz, Crocker, Elgamal, and Fielding fails to teach or suggest Applicants' invention as a whole.

As such, Applicants submit that independent claim 1 is not obvious over the combination of Kronz, Crocker, and Elgamal and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Furthermore, since claim 3 depends from independent claim 1, claim 3 is not obvious over Kronz, Crocker, and Elgamal and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Therefore, Applicants respectfully request that the rejection be withdrawn.

#### Claim 4

The Examiner rejected claim 4 under 35 U.S.C. §103(a) as being unpatentable over Kronz, Crocker and Elgamal as applied to claim 1, in further view of Fielding, R. "RFC 2068" (hereinafter "Fielding"). The rejection is respectfully traversed.

Claim 4 depends from claim 1 and recites additional features therefor. As discussed above, the combination of Kronz, Crocker, and Elgamal does not teach or suggest at least the limitations of "wherein the envelope comprises message information associated with a message scheduled to be transmitted from the transmitter to the receiver, wherein the message information includes at least one scheduled message recipient" and "an envelope status comprising a recipient status associated with each of the at least one scheduled message recipient," as taught in Applicants' invention of at least claim 1.

In addition, Fielding generally teaches Hypertext Transfer Protocol Version 1.1, an application level protocol for distributed, collaborative, hypermedia information systems. Fielding, however, is completely devoid of any teaching or suggestion of "wherein the envelope comprises message information associated with a message scheduled to be transmitted from the transmitter to the receiver, wherein the message information includes at least one scheduled message recipient" and "an envelope status comprising a recipient status associated with each of the at least one scheduled message recipient," as taught in Applicants' invention of at least claim 1.

Nowhere in the cited references, either singly or in combination, is there any teaching or suggestion of "wherein the envelope comprises message information associated with a message scheduled to be transmitted from the transmitter to the receiver, wherein the message information includes at least one scheduled message recipient" and "an envelope status comprising a recipient status associated with each of the at least one scheduled message recipient," as taught in Applicants' invention of at least claim 1. As such, the combination of Kronz, Crocker, Elgamal, and Fielding fail to teach or suggest Applicants' invention as a whole.

As such, Applicants submit that independent claim 1 is not obvious over the combination of Kronz, Crocker, Elgamal, and Fielding, and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Furthermore, since claim 4 depends from independent claim 1, claim 4 is not obvious over Kronz, Crocker, Elgamal, and Fielding and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Therefore, Applicants respectfully request that the rejection be withdrawn.

#### Claim 5

The Examiner rejected claim 5 under 35 U.S.C. §103(a) as being unpatentable over Kronz, Crocker and Elgamal in further view of Yamasaki (U.S. 5,699,517, hereinafter "Yamasaki"). The rejection is respectfully traversed.

Claim 5 depends from claim 1 and recites additional limitations thereof. As discussed above, the combination of Kronz, Crocker, and Elgamal does not teach or suggest at least the limitations of "wherein the envelope comprises message

information associated with a message scheduled to be transmitted from the transmitter to the receiver, wherein the message information includes at least one scheduled message recipient" and "an envelope status comprising a recipient status associated with each of the at least one scheduled message recipient," as taught in Applicants' invention of at least claim 1.

In addition, Yamasaki generally teaches a communication network system in which a plurality of information processing equipment, each holding its own program, is connected via a communication line. In particular, a user who has specified items of data processing to be performed is capable of retrieving a program that can process those items from one of the processing equipments. Yamasaki, however, is completely devoid of any teaching or suggestion of "wherein the envelope comprises message information associated with a message scheduled to be transmitted from the transmitter to the receiver, wherein the message information includes at least one scheduled message recipient" and "an envelope status comprising a recipient status associated with each of the at least one scheduled message recipient," as taught in Applicants' invention of at least claim 1.

Nowhere in the cited references, either singly or in combination, is there any teaching or suggestion of "wherein the envelope comprises message information associated with a message scheduled to be transmitted from the transmitter to the receiver, wherein the message information includes at least one scheduled message recipient" and "an envelope status comprising a recipient status associated with each of the at least one scheduled message recipient," as taught in Applicants' invention of at least claim 1. As such, the combination of Kronz, Crocker, Elgamal, and Yamasaki fail to teach or suggest Applicants' invention as a whole.

As such, Applicants submit that independent claim 1 is not obvious over Kronz, Crocker, and Elgamal in view of Yamasaki, and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Furthermore, since claim 5 depends from independent claim 1, claim 5 is not obvious over Kronz, Crocker, and Elgamal in view of Yamasaki and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Therefore, Applicants respectfully request that the rejection be withdrawn.



**Claim 6**

The Examiner rejected claim 6 under 35 U.S.C. §103(a) as being unpatentable over Kronz, Crocker, and Elgamal as applied to claim 1, in view of Richardson, Christopher (Google Group, comp.os.linux.answer, 01/07/1998, hereinafter "Richardson"). The rejection is respectfully traversed.

Claim 6 depends from claim 1 and recites additional features therefor. As discussed above, Kronz, Crocker, and Elgamal does not teach or suggest at least the limitations of "wherein the envelope comprises message information associated with a message scheduled to be transmitted from the transmitter to the receiver, wherein the message information includes at least one scheduled message recipient" and "an envelope status comprising a recipient status associated with each of the at least one scheduled message recipient," as taught in Applicants' invention of at least claim 1.

In addition, Richardson generally teaches the installation and use of Linux Q-mail to transmit and receive emails. In particular, Richardson teaches that Q-mail is a secure, reliable, efficient simple message transfer agent that is meant as a replacement for the entire sendmail-binmail system on typical Internet-connected UNIX hosts. Richardson is completely devoid of any teaching or suggestion of "wherein the envelope comprises message information associated with a message scheduled to be transmitted from the transmitter to the receiver, wherein the message information includes at least one scheduled message recipient" and "an envelope status comprising a recipient status associated with each of the at least one scheduled message recipient," as taught in Applicants' invention of at least claim 1.

Nowhere in the cited references, either singly or in combination, is there any teaching or suggestion of "wherein the envelope comprises message information associated with a message scheduled to be transmitted from the transmitter to the receiver, wherein the message information includes at least one scheduled message recipient" and "an envelope status comprising a recipient status associated with each of the at least one scheduled message recipient," as taught in Applicants' invention of at least claim 1. As such, Kronz, Crocker, Elgamal, and Richardson fail to teach or suggest Applicants' invention as a whole.

As such, Applicants submit that independent claim 1 is not obvious over Kronz, Crocker, and Elgamal in view of Richardson, and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Furthermore, since claim 6 depends from independent claim 1, claim 6 is not obvious over Kronz, Crocker, and Elgamal in view of Richardson and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Therefore, Applicants respectfully request that the rejection be withdrawn.

#### Claim 7

The Examiner rejected claim 7 under 35 U.S.C. §103(a) as being unpatentable over Kronz, Crocker, and Elgamal as applied to claim 1, in further view of Elliot et al. (U.S. 5,764,241, hereinafter "Elliot"). The rejection is respectfully traversed.

Claim 7 depends from claim 1 and recites additional features therefor. As discussed above, the combination of Kronz, Crocker, and Elgamal does not teach or suggest at least the limitations of "wherein the envelope comprises message information associated with a message scheduled to be transmitted from the transmitter to the receiver, wherein the message information includes at least one scheduled message recipient" and "an envelope status comprising a recipient status associated with each of the at least one scheduled message recipient," as taught in Applicants' invention of at least claim 1.

In addition, Elliot generally teaches a method and system for modeling and presenting integrated media with a declarative modeling language for representing reactive behavior. Elliot is completely devoid of any teaching or suggestion of "wherein the envelope comprises message information associated with a message scheduled to be transmitted from the transmitter to the receiver, wherein the message information includes at least one scheduled message recipient" and "an envelope status comprising a recipient status associated with each of the at least one scheduled message recipient," as taught in Applicants' invention of at least claim 1.

Nowhere in the cited references, either singly or in combination, is there any teaching or suggestion of "wherein the envelope comprises message information associated with a message scheduled to be transmitted from the transmitter to the receiver, wherein the message information includes at least one scheduled message

recipient" and "an envelope status comprising a recipient status associated with each of the at least one scheduled message recipient," as taught in Applicants' invention of at least claim 1. As such, Kronz, Crocker, Elgamal, and Elliot fail to teach or suggest Applicants' invention as a whole.

As such, Applicants submit that independent claim 1 is not obvious over Kronz, Crocker, and Elgamal in view of Elliot, and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Furthermore, since claim 7 depends from independent claim 1, claim 7 is not obvious over Kronz, Crocker, and Elgamal in view of Elliot and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Therefore, Applicants respectfully request that the rejection be withdrawn.

#### **Claim 8**

The Examiner rejected claim 8 under 35 U.S.C. §103(a) as being unpatentable over Kronz, Crocker and Elgamal as applied to claim 1, in view of Sriram (US 5,463,620, hereinafter "Sriram"). The rejection is respectfully traversed.

Claim 8 depends from claim 1 and recites additional features therefor. As discussed above, the combination of Kronz, Crocker, and Elgamal does not teach or suggest at least the limitations of "wherein the envelope comprises message information associated with a message scheduled to be transmitted from the transmitter to the receiver, wherein the message information includes at least one scheduled message recipient" and "an envelope status comprising a recipient status associated with each of the at least one scheduled message recipient," as taught in Applicants' invention of at least claim 1.

In addition, Sriram generally teaches bandwidth allocation, transmission scheduling and congestion avoidance in broadband asynchronous transfer mode networks. Sriram is completely devoid of any teaching or suggestion of "wherein the envelope comprises message information associated with a message scheduled to be transmitted from the transmitter to the receiver, wherein the message information includes at least one scheduled message recipient" and "an envelope status comprising a recipient status associated with each of the at least one scheduled message recipient," as taught in Applicants' invention of at least claim 1.

Nowhere in the cited references, either singly or in combination, is there any teaching or suggestion of "wherein the envelope comprises message information associated with a message scheduled to be transmitted from the transmitter to the receiver, wherein the message information includes at least one scheduled message recipient" and "an envelope status comprising a recipient status associated with each of the at least one scheduled message recipient," as taught in Applicants' invention of at least claim 1. As such, Kronz, Crocker, Elgamal and Sriram fail to teach or suggest Applicants' invention as a whole.

As such, Applicants submit that independent claim 1 is not obvious over Kronz, Crocker, and Elgamal in view of Sriram, and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Furthermore, since claim 8 depends from independent claim 1, claim 8 is not obvious over Kronz, Crocker, and Elgamal in view of Sriram and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Therefore, Applicants respectfully request that the rejection be withdrawn.

#### **Claims 9-10**

The Examiner rejected claims 9-10 under 35 U.S.C. §103(a) as being unpatentable over Kronz, Crocker, and Elgamal as applied to claim 1, in view of Foster (U.S. 5,583,993, hereinafter "Foster"). The rejection is respectfully traversed.

Claims 9 and 10 depend from claim 1 and recites additional features therefor. As discussed above, the combination of Kronz, Crocker, and Elgamal does not teach or suggest "wherein the envelope comprises message information associated with a message scheduled to be transmitted from the transmitter to the receiver, wherein the message information includes at least one scheduled message recipient" and "an envelope status comprising a recipient status associated with each of the at least one scheduled message recipient," as taught in Applicants' invention of at least claim 1.

In addition, Foster generally teaches a method for synchronously sharing data among a plurality of computer systems. Foster is completely devoid of any teaching or suggestion of "wherein the envelope comprises message information associated with a message scheduled to be transmitted from the transmitter to the receiver, wherein the message information includes at least one scheduled message recipient" and "an

envelope status comprising a recipient status associated with each of the at least one scheduled message recipient," as taught in Applicants' invention of at least claim 1.

Nowhere in the cited references, either singly or in combination, is there any teaching or suggestion of "wherein the envelope comprises message information associated with a message scheduled to be transmitted from the transmitter to the receiver, wherein the message information includes at least one scheduled message recipient" and "an envelope status comprising a recipient status associated with each of the at least one scheduled message recipient," as taught in Applicants' invention of at least claim 1. As such, Kronz, Crocker, Elgamal, and Foster fail to teach or suggest Applicants' invention as a whole.

As such, Applicants submit that independent claim 1 is not obvious over Kronz, Crocker, and Elgamal in view of Foster, and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Furthermore, since claims 9 and 10 depend from independent claim 1, claims 9 and 10 are not obvious over Kronz, Crocker, Elgamal in view of Foster and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Therefore, Applicants respectfully request that the rejections be withdrawn.

### **Claim 11**

The Examiner rejected claim 11 under 35 U.S.C. §103(a) as being unpatentable over Kronz, Crocker, and Elgamal as applied to claim 1, in view of Freed, N (RFC 2045, 1996, hereinafter "Freed"). The rejection is respectfully traversed.

Claim 11 depends from claim 1 and recites additional features therefor. As discussed above, the combination of Kronz, Crocker, and Elgamal does not teach or suggest "wherein the envelope comprises message information associated with a message scheduled to be transmitted from the transmitter to the receiver, wherein the message information includes at least one scheduled message recipient" and "an envelope status comprising a recipient status associated with each of the at least one scheduled message recipient," as taught in Applicants' invention of at least claim 1.

In addition, Freed generally teaches Multipurpose Internet Mail Extensions (MIME), specifically, the format of Internet message bodies. Freed is completely devoid of any teaching or suggestion of "wherein the envelope comprises message information

associated with a message scheduled to be transmitted from the transmitter to the receiver, wherein the message information includes at least one scheduled message recipient" and "an envelope status comprising a recipient status associated with each of the at least one scheduled message recipient," as taught in Applicants' invention of at least claim 1.

Nowhere in the cited references, either singly or in combination, is there any teaching or suggestion of "wherein the envelope comprises message information associated with a message scheduled to be transmitted from the transmitter to the receiver, wherein the message information includes at least one scheduled message recipient" and "an envelope status comprising a recipient status associated with each of the at least one scheduled message recipient," as taught in Applicants' invention of at least claim 1. As such, Kronz, Crocker, Elgamal, and Freed fail to teach or suggest Applicants' invention as a whole.

As such, Applicants submit that independent claim 1 is not obvious over Kronz, Crocker, and Elgamal in view of Freed, and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Furthermore, since claim 11 depends from independent claim 1, claim 11 is not obvious over Kronz, Crocker, and Elgamal in view of Freed and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Therefore, Applicants respectfully request that the rejection be withdrawn.

### **Claim 12**

The Examiner rejected claim 12 under 35 U.S.C. §103(a) as being unpatentable over Postel (RFC 0821 – Simple Mail Transfer Protocol, hereinafter "Postel"), in view of Phaal (U.S. 6,006,269, hereinafter "Postel"). Applicants respectfully traverse the rejection.

In general, Postel teaches the Simple Mail Transfer Protocol (SMTP). Nowhere in Postel is there any teaching or suggestion of at least the limitation of "wherein transmission of at least a portion of the envelope from the transmitter to the receiver is contemporaneous with transmission of at least a portion of the envelope status from the receiver to the transmitter," as taught in Applicants' invention of at least claim 12. Rather, Postel specifically states that "[t]he dialog is purposefully lock-step, one-at-a-

time." (Postel, Section 2, Pg. 2, Emphasis added). As such, Postel specifically states that for any transaction between the sender and receiver, the receiving end waits until transmission by the transmitting end is complete prior to initiating a response to the transmitting end. As such, Postel fails to teach or suggest Applicants' invention of at least claim 12.

Furthermore, Phaal does not bridge the substantial gap between Postel and Applicants' invention. In general, Phaal discloses an admission control system in which messages may either be admitted or deferred for resubmission at a later time on a priority basis. Phaal, however, is completely devoid of any teaching or suggestion of at least the limitation of "wherein transmission of at least a portion of the envelope from the transmitter to the receiver is contemporaneous with transmission of at least a portion of the envelope status from the receiver to the transmitter," as taught in Applicants' invention of at least claim 12.

As such, independent claim 12 is patentable under 35 U.S.C. §103(a) over Postel in view of Phaal. Accordingly, Applicants respectfully request that the Examiner's rejection be withdrawn.

### **Claim 13**

The Examiner rejected claim 1 under 35 U.S.C. §103(a) as being unpatentable over Postel in view of Elgamal. Applicants respectfully traverse the rejection.

At least for the reasons discussed above with respect to claim 12, Postel fails to teach or suggest Applicants' invention of at least claim 13. Namely, Postel fails to teach or suggest at least the limitation of "wherein transmission of at least a portion of the envelope from the transmitter to the receiver is contemporaneous with transmission of at least a portion of the envelope status from the receiver to the transmitter," as taught in Applicants' invention of at least claim 13.

Furthermore, Elgamal does not bridge the substantial gap between Postel and Applicants' invention. As discussed hereinabove with respect to claim 1, Elgamal discloses means for encrypting and decrypting information transferred over a network between a client application program running in a client computer and a server application program running in a server computer. As discussed above with respect to

claim 1, Elgamal also teaches an extensive handshake protocol for negotiating security procedures. Elgamal, however, is completely devoid of any teaching or suggestion of at least the limitation of "wherein transmission of at least a portion of the envelope from the transmitter to the receiver is contemporaneous with transmission of at least a portion of the envelope status from the receiver to the transmitter," as taught in Applicants' invention of at least claim 13. In fact, security negotiation between the client and server, in which one of the devices transmits at a time, as taught in Elgamal, actually teaches away from contemporaneous transmission of messages.

As such, independent claim 13 is patentable under 35 U.S.C. §103(a) over Postel in view of Elgamal. Accordingly, Applicants respectfully request that the Examiner's rejection be withdrawn.

#### **ALLOWABLE SUBJECT MATTER**

The Examiner indicated that the claims appear to contain allowable subject matter not in allowable form. In particular, the Examiner has suggested the inclusion of claims 12/13 in claim 1. The Applicants thank Examiner for indication of allowable subject matter.

#### **SECONDARY REFERENCES**

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to Applicants' disclosure than the primary references cited in the Office Action. Therefore, Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this office action.



**CONCLUSION**

Thus, Applicants submit that none of the claims presently in the application are non-enabling or obvious under the respective provisions of 35 U.S.C. §112 and §103. Consequently, Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring any adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Michael Bentley at (732) 383-1434 or Mr. Eamon J. Wall, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

1-18-06



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Eamon J. Wall  
Registration No. 39,414  
PATTERSON & SHERIDAN, L.L.P.  
595 Shrewsbury Ave. Suite 100  
Shrewsbury, NJ 07702  
Telephone: (732) 530-9404  
Facsimile: (732) 530-9808  
Attorney for Applicant(s)